



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/157,998	09/22/98	LESSER	R

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LM71/1216

EXAMINER
ROMAIN, J

ART UNIT	PAPER NUMBER
2765	5

DATE MAILED: 12/16/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/157,998

Applicant(s)

Lesser

Examiner

Romain J anty

Group Art Unit

2765



☒ Responsive to communication(s) filed on Sep 22, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-13 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-13 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☒ The proposed drawing correction, filed on Sep 22, 1998 is ☒ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Rejections - 35 U.S.C. § 112

1. Claims 1 and 6 and are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1:

The phrase "such as" in step(g) line 2, renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Recites the limitation "to the user" in lines 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 6, how does the wireless connection makes up a method? What method is the applicant referring to?

Claim 7, line 4, it not understood what the applicant means by a **multiple means**

Claim Rejections - 35 U.S.C. § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Steven et al.** (The Computer-based medical record: current status) in view of **Brimm et al.** (Patent No. 5,077,666).

Claims 1 and 8, **Steven et al.** inherent disclose a medical system comprising the steps of:

- (a) Entering information on data forms, the forms consisting of a plurality of items and with one or less sub-menu for any item, and the forms presenting the items to a user (Page 8, paragraph 2)
- (b) Storing the entered information (Page 8 paragraphs 2-3).
- (e) and (f), Linking and Comparing the information is inherent in the Stevens et al's reference because most information on medical system must be linked so that a given treatment or care is appropriately billed based on treatment code, diagnosis code and billing code.
- (g) determining requirements met by the entered information, requirements comprising requirements for billing outputs, for text output, internal record keeping, and text output such as correspondence outputs such are facilitated, automated and simplified, and whereby the required requirements met by the entered information can be determined (Page 9 Paragraph 1, Page 4 paragraph 3, and page 12 paragraph 2).
- (d) Storing in data tables requirements for utilizing the entered information (Page 5, paragraph 2). It is inherent in the system for the data to be stored in data tables for easy access and viewing by the user. In addition, **Brimm et al.** disclose a medical information system with automatic updating of task list in response to charting interventions of task list window into associated form. Task lists and medical data are stored in data tables (See Figs.4-10). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to include a data table form into the Steven et al's system as taught by Brimm et al. One would have been

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motivated to include this type of data tables because it would provide Steven et al. with the capability to visibly present items to the user thus creating a user friendly interface.

Claim 2, steps(a-c), **Steven et al** disclose Physician Micro System, Inc(PMSI) on page 7. It is a general application to be used to any hospital system. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to customize the general application of PMSI to meet an organization profile on preferences so as to use the software system. Forms would be opened in the desired format when using the software with a general computer-system.

Claim 3, **Steven et al** fail to disclose information the user of requirements met by the entered information, whereby the user is helped to ascertain that the entered information meets the requirements. However, Official Notice is taken that it is old and well known in the medical industry that each drug or procedure administered to a patient will meet a billing requirement based on Information Classification Disease Codes (ICD-9) or other types of codes and diagnostics

Claim 4, **Steven et al** disclose steps (a-c) as a user of the computer system entering patient's answers from queries. Data such as procedures, level of care and billing are entered into various tables or forms so as to obtain and match proper billing codes which will be mailed to insurance companies, attorneys and/or other referred physicians (Page 12 Paragraph 1).

Claim 5, **Steven et al** fail to explicitly disclose modifying the data tables so as to modify or update the requirements. However, given ICD-9 codes may comprise of general sub-codes so that a user may select the appropriate code (updated code) for a given disease which will form new requirements for quality of care or billing.

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Claim 6, steps (a-d), **Steven et al** fail to explicitly disclose input means may be CPU comprise choices of laptops capable of being used in a network system. However, input means may be CPUs which comprise choices of laptops capable of being used in a network system. In addition, Steven et al disclose a PMSI system which includes transcription means and voice recognition system storage means, computer means and various tables/charts to provide a convenient uses to a user (page 6 Paragraph 3).

Claim 7, **Steven et al** fail to explicitly disclose linking within a database information entered into data forms with narrative information and including information entered by typing or dictation is old and well known in the art. Official Notice is taken that linking within a database information entered into data forms with narrative information and including information entered by typing or dictation is old and well known in the art. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to include linking within a database information entered into data forms with narrative information for the motivation of faster data entry, and prevent wasting of time for data entry.

Claim 9, **Steven et al.** disclose a process according to claim 7 for health care organizations and individual health care delivers further comprising:

(a) Separating the form into groups comprising patient demographics groups, medical history groups, past medical history groups.....(page 10 Paragraph 4).

(b) Storing on the data tables the reporting requirements including federal and other federal reporting requirements, insurance company reporting requirements, and other health care or health care organization reporting requirements (Page 12 Paragraph 1).

© Scoring by software means the entered information according to the reporting requirement (Page 5, Paragraph 2)

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(d) Generating from stored data multiple outputs, including billing outputs, quality control outputs, internal record keeping outputs including chart notes outputs, text outputs such as correspondence outputs, whereby the health care organizations and the individual health care delivers can acquire the information, perform data storage, perform complex calculations based the information, or prepare documents based on the information (Page 1, Paragraph 1, Page 9, paragraphs 1, 2 and 3, Page 12, paragraph 1).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (703) 308-9585. The examiner can normally be reached on weekdays from 8:00 a.m to 4:30 p.m.

If attempts to reach the examiner are not successful, the examiner's supervisor, Allen R. MacDonald, can be reached at (703) 305-9708.

The fax number for Formal or Official faxes to Technology Center 2700 is (703) 308-13961 or 9052. Draft or Informal faxes for this Art Unit can be submitted to (703) 308-5357.

Romain Jeanty

November 22, 1999.

A handwritten signature in black ink, appearing to be 'A. MacDonald', with a long, sweeping horizontal line extending to the right.

ALLEN R. MACDONALD
SUPERVISORY PATENT EXAMINER